

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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JOHN W. KAMMIN, individually,)
)
Plaintiff,)
)
v.)
)
SMARTPROS, LTD., a Delaware corporation,)
)
Defendant.)
-----x	

Case No.: 07 CV 2665

REPORT OF PARTIES' PLANNING MEETING

1. Meeting. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on June 29, 2007, at Ashman Law Offices, LLC, 55 West Monroe Street, Suite 2650, Chicago, Illinois 60603 and was attended by:

<i>For Plaintiff:</i>	Kenneth J. Ashman ASHMAN LAW OFFICES, LLC 55 West Monroe Street, Suite 2650 Chicago, Illinois 60603 (312) 596-1700 (phone) (312) 873-3800 (facsimile)
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<i>For Defendant:</i>	Steven L. Baron Keith E. Allen MANDELL MENKES, LLC 333 West Wacker Drive, Suite 300 Chicago, Illinois 60606 (312) 251-1009 (phone) (312) 251-1010 (facsimile)
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2. Pre-Discovery Disclosures. The parties will exchange by July 20, 2007 the information required by Fed. R. Civ. P. 26(a)(1).

3. Discovery Plan. The parties jointly propose to the Court the following discovery plan with each party reserving its right to challenge any specific discovery request:

a. Discovery will be needed on the following subjects: number of video units sold; profits derived from such sales; Defendant's course of conduct with respect to licensing

and infringement issues; ownership of the intellectual property; negotiations between Plaintiff and Defendant for use of intellectual property; allegations concerning Plaintiff's purported commission of fraud on the U.S. copyright office; circumstances regarding the videotaping of Plaintiff; prior publication of material embodied in video; identification and location of witnesses, and anticipated areas of knowledge; damages; technical service to Defendant's website and/or computer servers that purportedly caused re-listing and public sale of video at issue; and intent/willfulness of Defendant in offering video for sale.

b. All discovery commenced in time to be completed by June 2, 2008, with fact discovery anticipated to close on January 31, 2008.

c. Maximum of interrogatories by each party to any other party is 30, with responses due 30 days after service.

d. Maximum of requests for admission by each party to any other party is 60, with responses due 30 days after service.

e. Maximum number of depositions by plaintiff is 10 and by defendant is 10 (without leave of Court).

f. Each deposition is limited to eight hours unless extended by agreement of parties.

g. Reports from retained experts under Rule 26(a)(2) due from plaintiff by March 3, 2008, and from defendant by April 17, 2008, with supplementation by plaintiff under Rule 26(e) due by June 2, 2008. Defendant shall take the depositions of Plaintiff's experts by April 17, 2008, and Plaintiff shall take the depositions of Defendant's experts by June 2, 2008.

4. Other Items.

a. The parties do not request a conference with the Court before entry of the scheduling order.

b. The parties request a pretrial conference no later than in September 2008 or such earlier time as the Court deems appropriate.

c. Plaintiff should be allowed until December 17, 2007 to join additional parties and until December 17, 2007 to amend the pleadings.

d. Defendants should be allowed until December 17, 2007 to join additional parties and until December 17, 2007 to amend the pleadings.

e. All potentially dispositive motions should be filed by July 2, 2008.

f. Settlement cannot be evaluated properly prior to the close of fact discovery.

g. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from plaintiff by the latter of August 4, 2008 or 30 days after the Court's ruling on any dispositive motion, and from defendant by the latter of September 4, 2008 or 60 days after the Court's ruling on any dispositive motion. Each party shall have 14 days after receipt of the other party's witness and exhibit lists to lodge objections under Rule 26(a)(3).

h. The case should be ready for trial in October 2008, and at this time is expected to take approximately one week.

5. **Consent.** The parties do not consent unanimously to proceed before a Magistrate Judge.

Dated: July 9, 2007

/s/Kenneth J. Ashman

Kenneth J. Ashman

ASHMAN LAW OFFICES, LLC

55 West Monroe Street, Suite 2650

Chicago, Illinois 60603

(312) 596-1700 (phone)

Counsel for Plaintiff

/s/Steven L. Baron

Steven L. Baron

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Counsel for Defendant